

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD and )  
HAROLD I. WAKEFIELD, husband )  
and Wife, )  
Plaintiffs, )  
v. ) Civ. No. 05-79 Erie  
JOY MINING MACHINERY )  
COMPANY, a division of Harnischfeger )  
Industries, and LARRY MEADE, )  
Defendants. )

ORDER

AND NOW, to-wit, this 3<sup>rd</sup> day of March, 2006, after careful consideration and for the reasons set forth in the Opinion accompanying this Order, it is hereby ORDERED, ADJUDGED, and DECREED that Defendants' Motion to Dismiss is GRANTED. Plaintiffs' claims asserted in Counts I, II, III, and V are hereby dismissed. Defendant Larry Meade is dismissed as a Defendant.

Defendant Joy Mining Machinery Company shall file an answer to the Complaint in accordance with Federal Rule of Civil Procedure 12(a)(4)(A), after which an initial Rule 16 scheduling conference will be set.

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: counsel of record